

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ORACLE INTERNATIONAL CORP., a California corporation; and
ORACLE AMERICA, INC., a Delaware corporation,

Plaintiffs-Counterdefendants-Appellees,
v.

RIMINI STREET, INC., a Delaware corporation; and
SETH RAVIN, an individual

Defendants-Counterclaimants-Appellants.

On Appeal from the United States District Court
For the District of Nevada (Hon. Miranda M. Du)
No. 2:14-cv-01699-MMD-DJA

**DEFENDANTS AND APPELLANTS' EXCERPTS OF RECORD
INDEX VOLUME**

| | |
|--|---|
| Mark A. Perry WEIL, GOTSHAL & MANGES LLP 2001 M Street, N.W., Suite 600 Washington, D.C. 20036 (202) 682-7511 Mark.Perry@weil.com | Samuel G. Liversidge Eric D. Vandevelde Blaine H. Evanson Ilissa S. Samplin Casey J. McCracken GIBSON, DUNN & CRUTCHER LLP 333 South Grand Avenue Los Angeles, California 90071 (949) 451-3805 BEvanson@gibsondunn.com |
| Jeremy M. Christiansen GIBSON, DUNN & CRUTCHER LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 (202) 955-8500 | |

Attorneys for Defendants-Appellants Rimini Street, Inc. and Seth Ravin

INDEX TO APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|---|--|----------------|-----------------|
| 07/24/23 | Docket No. ("Dkt.") 1538 ¹ | Judgment In A Civil Case | I | 2 |
| 07/24/23 | 1537 | Permanent Injunction | I | 3-9 |
| 07/24/23 | 1536 | Bench Order | I | 10-206 |
| 09/15/20 | 1253 | Order on Motions for Summary Judgment | II | 208-301 |
| 07/09/15 | 90 | Order Granting Oracle's Motion to Strike Affirmative Defenses | II | 302-308 |
| 01/09/24 | 1579 | Order Denying Oracle Motion to Amend Judgment | III | 310-312 |
| 08/21/23 | 1554 | Oracle International Corporation and Oracle America, Inc.'s Motion to Amend the Judgment Pursuant to Federal Rule of Civil Procedure 59(e) | III | 313-320 |
| 08/15/23 | 1553 | Order on Rimini Emergency Motion to Stay | III | 321-331 |
| 07/28/23 | 1542 | Rimini's Emergency Motion to Stay Enforcement of Permanent Injunction Pending Appeal, or Alternatively For An Administrative Stay | III | 332-363 |

¹ *Rimini I* refers to *Oracle USA, Inc. v. Rimini Street, Inc.*, No. 2:10-cv-0106-LRH-VCF (D. Nev. filed Jan. 25, 2010). All other docket entries refer to *Rimini Street, Inc. v. Oracle Int'l Corp.*, No. 2:14-cv-01699-MMD-DJA (D. Nev. filed Oct. 15, 2014).

INDEX TO APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|-------------------------|--|----------------|-----------------|
| 07/28/23 | 1542-1 | Declaration of Craig Mackereth in Support of Rimini's Emergency Motion to Stay Enforcement of Permanent Injunction Pending Appeal, or Alternatively For An Administrative Stay | III | 364-375 |
| 03/31/23 | 1529 | Order Denying Rimini Motion for Leave | III | 376-378 |
| 03/30/23 | 1528 | Rimini Street and Seth Ravin's Reply in Support of Motion For Leave to File Objections to Oracle's Proposed Permanent Injunction | III | 379-382 |
| 03/09/23 | 1526 | Rimini Street and Seth Ravin's Motion For Leave to File Objections to Oracle's Proposed Permanent Injunction | III | 383-386 |
| 03/09/23 | 1526-1 | Rimini Street and Seth Ravin's Objections to Oracle's Proposed Permanent Injunction | III | 387-417 |
| 02/23/23 | 1525 | Rimini Street and Seth Ravin's Post-Trial Proposed Findings of Fact and Conclusions of Law | IV | 419-633 |
| 02/23/23 | 1524 | Oracle's Proposed Post-Trial Findings of Fact And Conclusions of Law | V | 635-902 |
| 12/15/22 | 1492-18 | Deposition Designations for Deposition of Michael Solomon dated 12/1/17 | VI | 904-910 |
| 12/15/22 | 1516 | Excerpts of Transcript of Bench Trial Day 11 Held on 12/15/22 | VI | 911-916 |

INDEX TO APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|-------------------------|--|----------------|-----------------|
| 12/14/22 | 1515 | Excerpts of Transcript of Bench Trial Day 10 Held on 12/14/22 | VI | 917-958 |
| 12/13/22 | 1514 | Excerpts of Transcript of Bench Trial Day 9 Held on 12/13/22 | VI | 959-990 |
| 12/09/22 | 1513 | Excerpts of Transcript of Bench Trial Day 8 Held on 12/09/22 | VI | 991-995 |
| 12/08/22 | 1512 | Excerpts of Transcript of Bench Trial Day 7 Held on 12/08/22 | VI | 996-1011 |
| 12/07/22 | 1508 | Excerpts of Transcript of Bench Trial Day 6 Held on 12/07/22 | VI | 1012-1025 |
| 12/06/22 | 1507 | Excerpts of Transcript of Bench Trial Day 5 Held on 12/06/22 | VI | 1026-1034 |
| 12/02/22 | 1506 | Excerpts of Transcript of Bench Trial Day 4 Held on 12/05/22 | VI | 1035-1089 |
| 12/01/22 | 1505 | Excerpts of Transcript of Bench Trial Day 3 Held on 12/01/22 | VI | 1090-1106 |
| 11/30/22 | 1504 | Excerpts of Transcript of Bench Trial Day 2 Held on 11/30/22 | VI | 1107-1139 |
| 11/29/22 | 1503 | Excerpts of Transcript of Bench Trial Day 1 Held on 11/29/22 | VI | 1140-1173 |
| 11/23/22 | 1460 | Order Adopting Joint Stipulated Facts | VI | 1174-1176 |
| 10/24/22 | 1421 | Stipulation of Dismissal of Certain Claims and Remedies With Prejudice | VII | 1178-1183 |
| 10/21/22 | 1420 | Stipulation of Dismissal of Certain Claims and Remedies With Prejudice | VII | 1184-1189 |
| 10/10/22 | 1409 | Oracle's Notice Concerning Bench Trial | VII | 1190-1192 |

INDEX TO APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|--------------------------|---|----------------|-----------------|
| 01/12/22 | 1548 (<i>Rimini I</i>) | Findings of Fact, Conclusions of Law and Order | VII | 1193-1248 |
| 09/02/21 | 1305 | Order on Bifurcation and Certification | VII | 1249-1261 |
| 03/31/21 | 1459 (<i>Rimini I</i>) | Order re Injunction Motions | VII | 1262-1297 |
| 12/19/20 | 1263 | Proposed Joint Pretrial Order [Redacted] | VII | 1298-1418 |
| 10/14/15 | 896 (<i>Rimini I</i>) | Final Verdict Form | VII | 1419-1432 |
| 05/18/15 | 53 | Counterdefendants' Opposition to Oracle's Motion to Strike Affirmative Defenses | VII | 1433-1445 |
| 03/31/15 | 46 | Counterdefendants' Answer to Counterclaim | VII | 1446-1460 |
| | | Trial Exhibit D-00001 – 12/17/2019 U.S. Patent No. US 10,509,639 B2 | VIII | 1462-1478 |
| | | Trial Exhibit D-12793 – Counterclaimants and Defendants Oracle America, Inc. and Oracle International Corporation's Fourth Amended Objections and Responses to Plaintiff and Counterdefendant Rimini Street, Inc.'s First Set of Interrogatories [Nos 2, 4, 5, and 6] | VIII | 1479-1540 |
| | | Trial Exhibit P-04940 – Excel document with list of Bates Numbers | VIII | 1541-1569 |

INDEX TO APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|-------------------------|---|----------------|-----------------|
| | | Trial Exhibit P-04941 – Excel document with list of Bates Numbers | VIII | 1570-1586 |
| 07/25/23 | 1540 | Notice of Appeal | VIII | 1587-1592 |
| | | Case Docket No. 2:14-cv-01699-MMD-DJA | VIII | 1593-1704 |
| | | Case Docket No. No. 2:10-cv-0106-LRH-VCF | VIII | 1705-1753 |

SEALED VOLUME OF APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|-------------------------|--|----------------|-----------------|
| 11/22/22 | 1451 | Oracle's Proposed Findings of Fact and Conclusions of Law [under seal] | IX | 1755-1864 |
| | | Trial Exhibit D-00117 – 5/30/1999 Software License and Services Agreement | IX | 1865-1868 |
| | | Trial Exhibit D-00118 – 10/30/2006 Oracle License and Services Agreement | IX | 1869-1881 |
| | | Trial Exhibit D-00124 – Oracle General Terms | IX | 1882-1901 |
| | | Trial Exhibit D-00237 – 5/17/2013 Master Services Agreement | IX | 1902-1934 |
| | | Trial Exhibit D-04003 – 4/30/2002 Software License, and Service, and Maintenance Agreement | IX | 1935-1973 |
| | | Trial Exhibit D-04009 – 10/24/1997 Software License and Services Agreement | IX | 1974-1981 |
| | | Trial Exhibit D-04012 – 9/22/1997 Software License and Services Agreement | IX | 1982-1988 |
| | | Trial Exhibit D-04027 – 6/25/1997 Software License and Services Agreement | IX | 1989-1992 |
| | | Trial Exhibit D-04036 – 6/2/1998 Software License and Services Agreement | X | 1995-1999 |

SEALED VOLUMES OF APPELLANTS' EXCERPTS OF RECORD

| <u>Date</u> | <u>Record Reference</u> | <u>Description</u> | <u>ER Vol.</u> | <u>ER Pages</u> |
|-------------|-------------------------|---|----------------|-----------------|
| | | Trial Exhibit D-04121 – 2/28/1997 Software License and Services Agreement | X | 2000-2004 |
| | | Trial Exhibit D-04212 – 9/15/2000 Software License and Services Agreement | X | 2005-2012 |
| | | Trial Exhibit D-04326 – 9/23/1997 Software License and Services Agreement | X | 2013-2037 |
| | | Trial Exhibit D-04427 – 2/28/1997 Software License and Services Agreement | X | 2038-2050 |
| | | Trial Exhibit P-02276 – 3/4/2009 Licensee Verification Form | X | 2051-2082 |
| | | Trial Exhibit P-05567 – Oracle License and Services Agreement V121510 | X | 2083-2107 |
| | | Trial Exhibit P-09008 – Excel document with list PeopleSoft software environments | X | 2108-2121 |

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Defendants and Appellants' Excerpts of Record Index Volume and Volumes I–VIII with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 4, 2024.

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system.

Dated: March 4, 2024

GIBSON, DUNN & CRUTCHER LLP

s/ Blaine H. Evanson
Blaine H. Evanson